## REMARKS

STATUS OF CLAIMS

Claims 2-7, 9, 11, 12-13, and 15 are pending.

Claims 3-7, 9, 11-13 and 16 are rejected under 35 USC 103(a) as being unpatentable over Yao (US Patent No. 5,938,734) in view of Ueno (US Patent No. 6,438,596).

Claims 3, 9, 11, 12, 13, and 15 are amended.

Thus, claims 2-7, 9, 11, 12-13, and 15 remain pending for reconsideration, which is respectfully requested.

The foregoing rejection is traversed. No new matter has been added in this Amendment.

## REJECTION

INDEPENDENT CLAIMS 3, 12, 13 AND 15

The Examiner response to previous arguments is one page 6, items 10-13 of the Office Action.

Regarding page 7, items 12 and 13 of the Office Action, the Examiner essentially asserts that Ueno's functions provided, for example in FIG. 2, in the server 200 and the head end 212 are similar to the claimed present invention's "a reproduction control unit ***controlling*** the real-time ***reproduction*** of the stream information of the content ***at the receiving device***" (e.g., independent claim 3).

In particular, the Examiner appears to maintain that Ueno's communication-network-resources management control means, as described in Ueno, column 4, lines 32-50, discloses the claimed present invention's "controlling ... reproduction ... at the receiving device." The Examiner appears to broadly interpret the claimed present invention's "***reproduction***" to be similar to Ueno's description in column 4, lines 43-48:

> ... storage-resources management control means for managing the kind of the real-time data stored in the data storage means, and for managing the number of real-time data being able to be transmitted by the data storage means at the same time, to determine one of the plurality of data storage means, by which the required real-time data is to be transmitted; ...

Further, the Examiner suggests that the claims do not recite "externally."

The idea of the claimed present invention is to externally over a network control real-time content level distribution to a receiving device and to externally control real-time reproduction of the content at the receiving device, which Yao and Ueno do not disclose or suggest.

To advance prosecution, the independent claims 3, 12, 13 and 15, for clarity, using independent claim 3 as an example, as follows.

> 3. (CURRENTLY AMENDED) An information distribution/reproduction control apparatus, comprising:
>
> a distribution control unit distributing over a network a content as real-time reproducible stream information to a receiving device;
>
> a reproduction control unit controlling the distribution control unit regarding distribution of the content to the receiving device, and controlling over the network according to reproduction instructions to the receiving device the real-time reproduction of the stream information of the content at the receiving device; and
>
> a memory unit storing a distribution schedule information of the distribution control unit and the reproduction control unit,
>
> wherein the distribution schedule information comprises information on a time and a date to start and end the distribution of the content, and the reproduction control unit controls the distribution control unit and the receiving device based on the stored distribution schedule information.

Therefore, in contrast to Yao and Ueno, the claimed present invention as recited in independent claims 3, 12, 13 and 15, using amended independent claim 3 as an example, provides "controlling over the network according to reproduction instructions to the receiving device the real-time reproduction of the stream information of the content at the receiving device." Ueno does not disclose or suggest "***reproduction instructions to the receiving device***." In other words, Ueno's "storage-resources management control means for managing the kind of said real-time data stored in said data storage means, and for managing the number of real-time data being able to be transmitted by said data storage means at the same time, to determine one of said plurality of storage means," differs from the claimed present invention's "***reproduction instructions to the receiving device***," because Ueno manages "the kind ... and ... number of real-time data being able to be transmitted by said data storage means" and not the claimed present invention's "***reproduction instructions to the receiving device***." Therefore, the claimed present invention provides a benefit to externally control real-time reproduction of a content at a receiving device, which Yao and Ueno do not disclose or suggest.

Support for the claim amendments can be found, for example, in page 30, lines 9-14, and FIG. 6, of the present Application. See also, FIGS. 1-5 and FIGS. 15 and 16 and their descriptions on page 74, line 18 to page 79, line 10, of the present Application.

INDEPENDENT CLAIMS 9 AND 11

Also independent claims 9 and 11 are amended to clarify that content level reproduction control is over a network.

Although the Office Action rejection rationale could be applicable to independent claims 3, 12, 13 and 15, such Examiner rationale could not be applicable to independent claims 9 and 11, because these claims expressly recite patentably distinguishing features in addition to independent claims 3, 12 and 13, as argued in the previous Amendment, and to which the Examiner does not reply in the Office Action in the Response to Arguments.

Ueno simply does not disclose or suggest the claimed present invention as recited in independent claims 9 and 11, using claim 9 as an example:

> a reproduction control unit controlling the distribution control unit regarding the distribution of the plurality of stream information of the contents to the receiving device and ***controlling over the network the receiving device regarding a display method relating to the real-time reproduction of the plurality of stream information of the contents***; and
>
> a memory unit storing ***importance level information of each content***,
>
> wherein the reproduction control unit ***controls over the network the receiving device to reproduce a higher priority stream information of a content over stream information of other contents based on the stored importance level information*** (independent claim 9, emphasis added).

Ueno does not disclose or suggest the claimed present invention's "***controlling over the network the receiving device*** regarding ***a display method*** relating to the real-time reproduction of the plurality of stream information ***of the contents***" (independent claim 9, emphasis added).

Further, Ueno does not disclose or suggest the claimed present invention's "storing ***importance level information of each content***" to control "over the network the receiving device to ***reproduce a higher priority stream information of a content over stream information of other contents based on the stored importance level information***." In contrast to the claimed present invention, Ueno's column 4, lines 6-21, column 12, lines 23-34

and column 14, lines 11-30, which are relied upon by the Examiner in page 5 of the Office Action, describe using different quality communication means and priority of the communication means in a video on demand system, and does not describe the claimed present invention's "importance level information of each content." In particular, Ueno's video data classification into types of immediate data and temporary data differs from the claimed present invention's "importance level information of each content" which relates to reproduction conditions based upon "priority" of a content.

Support for independent claims 9 and 11 can be found, for example, with reference to FIGS. 15 and 16, and their descriptions on page 74, line 18 to page 79, line 10, of the present Application, concerning "***controlling over the network the receiving device*** regarding ***a display method*** relating to the real-time reproduction of the plurality of stream information ***of the contents***," and FIGS. 23-24 and descriptions thereof on pages 105-113 of the present Application, concerning "over the network the receiving device to ***reproduce a higher priority stream information of a content over stream information of other contents based on the stored importance level information***."

For example, FIGS. 15 and 16, and page 74, line 18 to page 79, line 10, of the present Application, disclose an example of client control information J4 in FIG. 16, which comprises "image," "display size," "voice," reproduction speed," "sound volume, etc., as the claimed present invention's "***controlling over the network the receiving device*** regarding ***a display method*** relating to the real-time reproduction of the plurality of stream information ***of the contents***" (e.g., claim 9) and "controlling over the network the receiving device regarding ***a display method*** of the moving picture and a reproduction method of ***the ~~voice~~voice, relating to the real-time reproduction*** of the plurality of stream information of the contents" (e.g., claim 11). In FIG. 15, the client at operations SSC1 and SSC2 processes the client control information J4 of FIG. 16. Ueno does not disclose or suggest the claimed present invention's client control information J4 of FIG. 16, as "***controlling over the network the receiving device*** regarding ***a display method*** relating to the real-time reproduction of the plurality of stream information ***of the contents***" (e.g., claim 9) and "controlling over the network the receiving device regarding ***a display method*** of the moving picture and a reproduction method of ***the ~~voice~~voice, relating to the real-time reproduction*** of the plurality of stream information of the contents" (e.g., claim 11).

For example, FIGS. 23 and 24 and pages 105, line 10 to page 113, line 19, disclose the

stream reproduction information J8 for first and second stream information, which comprise "importance level," as the claimed present invention's "over the network the receiving device to ***reproduce a higher priority stream information of a content over stream information of other contents based on the stored importance level information***." In FIG. 23, the client at operations SSO1 and SSO2 processes the stream reproduction information J8 of FIG. 24, in which, for example, "contents 1" (importance level = high) is reproduced in higher picture quality than that of "contents 2" (importance level = low) and the voice of "content 1 ("importance level = high) is reproduced but the voice of "content 2" (importance level = low) is not reproduced (see, page 112, lines 7-15, of the present Application). Ueno does not disclose or suggest the claimed present invention's stream reproduction information J8, as "controlling over the network the receiving device to ***reproduce a higher priority stream information of a content over stream information of other contents based on the stored importance level information***" (e.g. claims 9 and 11).

Further, FIG. 24 also shows reproduction information, for each first and second stream information, such as "display size," "frame rate," "number of colors," "value," "chroma," "presence or absence of voice reproduction," etc., as the claimed present invention's "***controlling over the network the receiving device*** regarding ***a display method*** relating to the real-time reproduction of the plurality of stream information ***of the contents***" (e.g., claim 9) and "controlling over the network the receiving device regarding ***a display method*** of the moving picture and a reproduction method of ***the ~~voice~~voice, relating to the real-time reproduction*** of the plurality of stream information of the contents" (e.g., claim 11).

## CONCLUSION

In view of the amendments and the remarks, withdrawal of the rejection of pending claims and allowance of pending claims is respectfully requested.

If there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

Respectfully submitted,
STAAS & HALSEY LLP

Date: September 3, 2004

By: _____
Mehdi Sheikerz
Registration No. 41,307

1201 New York Ave, N.W., Suite 700
Washington, D.C. 20005
Telephone: (202) 434-1500
Facsimile: (202) 434-1501